

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BORIS ROGINSKY,

Plaintiff,

v.

19-CV-1613-LJV-JJM  
DECISION & ORDER

M&T BANK,

Defendant.

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On November 26, 2019, the plaintiff, Boris Roginsky, commenced this action under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the New York State Human Rights Law. Docket Item 1. On March 4, 2021, this Court referred this case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 21.

On October 7, 2021, M&T Bank moved for summary judgment. Docket Item 33. Roginsky responded on November 23, 2021, Docket Item 38, and M&T Bank replied on December 21, 2021, Docket Item 41. On June 21, 2022, Judge McCarthy issued a Report and Recommendation (“R&R”) finding that M&T Bank’s motion should be granted. Docket Item 46. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must review *de novo* those portions of a magistrate judge’s recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636

nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge McCarthy's R&R as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge McCarthy's recommendation to grant M&T Bank's motion for summary judgment.

For the reasons stated above and in the R&R, the defendant's motion for summary judgment, Docket Item 33, is GRANTED. The Clerk of the Court shall enter judgment for the defendant and close the case.

SO ORDERED.

Dated: July 11, 2022  
Buffalo, New York

/s/ Lawrence J. Vilardo  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE